

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

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v.

Criminal No. 05-30046 MFP

VIOLATIONS:

21 U.S.C. § 841(a)(1) -
Possession with Intent to
Distribute and
Distribution of Cocaine
Base (Counts One, Three,
and Four)

21 U.S.C. § 841(a)(1) -
Possession with Intent to
Distribute and
Distribution of Cocaine
Hydrochloride (Count Two)

EDUARDO PAGAN,
Defendant

21 U.S.C. § 853 -
Forfeiture Allegation

INDICTMENT

The Grand Jury charges:

COUNT ONE: Title 21, United States Code, Section 841(a)(1) -
Possession with the Intent to Distribute and
Distribution of Cocaine Base

On or about October 8, 2004, at approximately 5:30 p.m., in
the city of Springfield, in the District of Massachusetts,

EDUARDO PAGAN

the Defendant herein, did knowingly and intentionally possess
with the intent to distribute and distribute a quantity of
cocaine base in the form of crack cocaine, a Schedule II
controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1).

COUNT TWO: Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine

On or about October 8, 2004, in the city of Springfield, in the District of Massachusetts,

EDUARDO PAGAN

the Defendant herein, did knowingly and intentionally possess with the intent to distribute and distribute a quantity of cocaine hydrochloride, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THREE: Title 21, United States Code, Section 841(a)(1) -
Possession with the Intent to Distribute and
Distribution of Cocaine Base**

On or about October 8, 2004, at approximately 7:30 p.m., in
the city of Springfield, in the District of Massachusetts,

EDUARDO PAGAN

the Defendant herein, did knowingly and intentionally possess
with the intent to distribute and distribute a quantity of
cocaine base in the form of crack cocaine, a Schedule II
controlled substance.

All in violation of Title 21, United States Code, Section
841(a)(1).

COUNT FOUR: Title 21, United States Code, Section 841(a)(1) - Possession with the Intent to Distribute and Distribution of Cocaine Base

On or about November 8, 2004, in the city of Springfield, in the District of Massachusetts,

EDUARDO PAGAN

the Defendant herein, did knowingly and intentionally possess with the intent to distribute and distribute a quantity of cocaine base in the form of crack cocaine, a Schedule II controlled substance.

The possession with the intent to distribute and distribution of cocaine base described in Count Four of the Indictment involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Controlled Substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii) applies to Count Four.

All in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

1. As a result of the offenses alleged in Counts One through Four of this Indictment,

EDUARDO PAGAN,

defendant herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

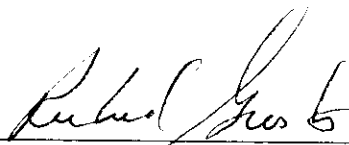
2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the defendant -

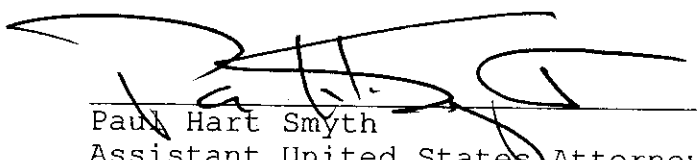
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.


A TRUE BILL


FOREPERSON OF THE GRAND JURY


Paul Hart Smyth
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: JUNE 9, 2005

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK OF THE COURT
4:00 PM

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency FBI

City Springfield Related Case Information:

County Hampden Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Eduardo Pagan, Jr. Juvenile ☐ Yes ☒ No

Alias Name Edward Pagan

Address 61 Robert Dyer Circle, Springfield, MA

Birth date (Year only): 1978 SSN (last 4 #): 6959 Sex M Race: Hispanic Nationality: _____

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Paul H. Smyth Bar Number if applicable 634600

Interpreter: ☐ Yes ☒ No List language and/or dialect: _____

Matter to be SEALED: ☒ Yes ☐ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____

☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by _____ on _____

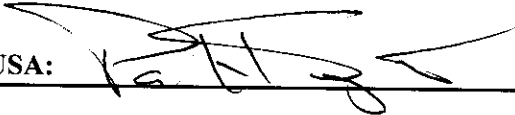
Charging Document: ☐ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: June 9, 2005

Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Eduardo Pagan

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21:841(a)(1)</u>	<u>Possess. w/intent / distr. of cocaine base</u>	<u>1,3,4</u>
Set 2	<u>21:841(a)(1)</u>	<u>Possess. w/int. / distr. cocain. hydrochloride</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: